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The fact that a writ of error was refused in this case, makes it one of importance, as its holding has thereby received the approbation of the supreme court of appeals, and is to a certain extent the law of the state until some further expression from that court or the legislature. It may well be that there should be some limit set by the legislature to such verdicts, and the case should recommend itself to the careful consideration of that body and of the bar generally.

J. F. M.

SUPREME COURT OF APPEALS OF VIRGINIA.

BALTIMORE & O. R. CO. v. COMMONWEALTH.

Sept. 16, 1909.

[65 S. E. 528.]

Railroads (§ 9*)—Orders of Corporation Commission—Appeal.—Where, on appeal from an order of the State Corporation Commission imposing a fine on a railroad company for its failure to comply with a prior order of the Commission, it appears from the record that the rights of an independent railroad company are materially affected by the order, and that the latter company was a necessary party and entitled to notice and opportunity to make a defense, the court will, in pursuance to Const. 1902, art. 12, § 156f (Code 1904, p. cclv), remand the case to the Commission for further proceedings.

[Ed. Note.—For other cases, see Railroads, Cent. Dig. § 19; Dec. Dig. § 9.* 14 Va.-W. Va. Enc. Dig. (Supt.) 256, 870.]

Appeal from Order of State Corporation Commission.

Proceedings begun by complaint before the State Corporation Commission against the Baltimore & Ohio Railroad Company for failure to furnish adequate passenger terminal facilities at the Town of Harrisonburg. From an order of the commission imposing on the Baltimore & Ohio Railroad Company a fine for its failure to carry into effect a prior order of the Commission entered in the proceedings, it appeals. Reversed.

H. R. Preston and Bumgardner & Bumgardner, for appellant.
William A. Anderson, Atty. Gen., and *Robert B. Tunstall*, for the Commonwealth.

PER CURIAM. The transcript of the record in this case having been seen and inspected, the court is of opinion, and doth so decide and declare, that the Valley Railroad Company is an in-

*For other cases see same topic and section NUMBER in Dec. and Am. Digs. 1907 to date, and Reporter Indexes.

dependent corporate organization, whose rights and property are materially affected by the orders aforesaid, and was a necessary party to the proceedings, and as such entitled to reasonable notice and opportunity to make defense by appropriate pleadings, and to introduce evidence in its behalf, and to be heard thereon, before any order affecting its rights could be lawfully entered.

The court, therefore, in pursuance of article 12, § 156f, of the Constitution of 1902 of Virginia (Code 1904, p. cclv), without at this time passing upon any of the questions involved, except to reverse the order of May 20, 1908, imposing a fine of \$500 upon the Baltimore & Ohio Railroad Company, deems it necessary, in the interest of justice, to remand the case to the State Corporation Commission for such further proceedings to be had therein as may be necessary to a proper and final decision of the matters in controversy.

And it is so ordered.

Reversed.

DICKENSON *et al.* v. PATTON *et al.*

Sept. 9, 1909.

[65 S. E. 529.]

1. Fraudulent Conveyances (§ 95*)—Vacating.—Where complainant's husband contracted for the purchase of land, and paid part of the price, and built a house thereon, and afterwards sold his interest in a firm to his partner, when the firm and both partners were insolvent, the conveyance of the land shortly thereafter to complainant by her husband's vendor with his knowledge and consent was a fraud upon his creditors and void as to them.

[Ed. Note.—For other cases, see Fraudulent Conveyances, Cent. Dig. §§ 243-288; Dec. Dig. § 95.* 6 Va.-W. Va. Enc. Dig. 554, 556.]

2. Fraudulent Conveyances (§ 24*)—Form of Transfer.—The form of a transfer is of slight importance, and an act will generally be treated as void against creditors, if fraud is shown.

[Ed. Note.—For other cases, see Fraudulent Conveyances, Dec. Dig. § 24.* 6 Va.-W. Va. Enc. Dig. 553.]

3. Homestead (§ 180*)—Establishment—Property Fraudulently Conveyed.—Const. 1902, § 191 (Code 1904, p. cclxxi), and Pollard's Code 1904, § 3630, cl. 7, providing that a householder shall not be entitled to a homestead exemption in any property, the conveyance of which has been set aside for fraud or want of consideration, was intended to prevent a debtor from fraudulently disposing of his property

*For other cases see same topic and section NUMBER in Dec. and Am. Digs. 1907 to date, and Reporter Indexes.